

EJ

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/803,814	ALGIENE, KENNETH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel A. Hess	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/7/06 interview with applicant.
2. ☒ The allowed claim(s) is/are 1,2,4,5,9-15,17 and 22-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>2/7/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____.   |

**EXAMINER'S AMENDMENT / ALLOWANCE**

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Darin Gibby on 2/9/06.

**IN THE CLAIMS**

Claims 1, 5, 17, 22, 31 and 32 are amended, below. All other claims remain unchanged.

1. (Currently amended) A data card display system, comprising:

a data card having a first machine readable identifying element thereon associated with a debit account in order to electronically identify the account and conduct transactions against the account; and

a card carrier for holding the data card for display, the card carrier having a second machine readable identifying element associated with the account in order to electronically identify the account and activate the account for use by the cardholder,

wherein the card carrier is constructed so that the second identifying element is physically altered at the time the data card is removed from the card carrier and by the act of

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removing the data card from the card carrier so that it cannot be read by a point of sale device,  
and is thereafter prevented from being used to conduct transactions.

5. (Currently amended) A presentation instrument and carrier assembly, comprising:

a presentation instrument associated with a debit account; and

a carrier for holding the instrument for display prior to purchase of the presentation instrument by a customer;

wherein the presentation instrument and the carrier each have ~~an~~ a machine readable account identifier thereon for electronically identifying the debit account, the account identifier on the presentation instrument for conducting transactions against the debit account once the account has been activated, and the account identifier on the carrier for activating the account; and

wherein the presentation instrument is to be removed from the carrier prior to being used to conduct transactions, and wherein the account identifier on the carrier is arranged to be physically altered at the time the presentation instrument is separated from the carrier and by the act of removing so that it cannot be read by a point of sale device and is thereafter prevented from being used to conduct transactions.

17. (Currently amended) Apparatus for holding a presentation instrument for display, comprising:

a carrier for supporting the presentation instrument; and

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~~an~~ machine readable identifying element on the carrier, the machine readable identifying element for being electronically read in order to activate an account associated with the presentation instrument, the machine readable identifying element arranged to be altered at the time the presentation instrument is removed from the carrier and by the act of removing the presentation instrument from the carrier so that it cannot be read by a point of sale device so as to prevent its use for conducting unauthorized transactions.

22. (Currently amended) A presentation instrument assembly, comprising:

a first portion; and

a second portion removably attached to the first portion;

wherein the first portion and the second portion each have ~~an~~ machine readable account identifier thereon for electronically identifying a stored value account, the machine readable account identifier on the first portion being a first account identifier for conducting transactions against the stored value account, and the machine readable account identifier on the second portion being a second account identifier for associating a stored value amount with the account; and

wherein the second account identifier on the second portion is physically altered at the time the second portion is removed from the first portion and by the act of removing so that it cannot be read by a point of sale device in order to prevent further use of the second account identifier on the second portion.

31. (Currently amended) A presentation instrument and carrier assembly, comprising:

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a presentation instrument associated with a debit account; and  
a carrier for holding the instrument for display prior to purchase of the presentation instrument by a customer;

wherein the presentation instrument and the carrier each have ~~an~~ a machine readable account identifier thereon for being electronically read in order to electronically identify the debit account and thereby directly access the account within a database, the account identifier on the presentation instrument being a first account identifier for conducting transactions against the debit account once the account has been activated, and the account identifier on the carrier being a second account identifier for activating the account;

wherein the first account identifier on the presentation instrument is a first sub-account number and wherein the second account identifier on the carrier is a second, separate and different sub account number, both first and second account numbers associated with the debit account in the database; and

wherein the second account ~~number identifier~~ is physically altered at the time the presentation instrument is removed from the carrier and by the act of removing so that it cannot be read by a point of sale device and ~~when read from the carrier~~ cannot be used to conduct transactions against the account.

32. (Currently amended) A presentation instrument and carrier assembly, comprising:

a presentation instrument associated with a debit account; and  
a carrier for holding the instrument for display prior to purchase of the presentation instrument by a customer;

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wherein the presentation instrument and the carrier each have an machine readable account identifier thereon for electronically identifying the debit account, the account identifier on the presentation instrument being a first account identifier for conducting transactions against the debit account once the account has been activated, and the account identifier on the carrier being a second account identifier for activating the account but not permitting transactions against the account; and

wherein both the first account identifier on the presentation instrument and the second account identifier on the carrier are visible in the assembly when the presentation instrument is held for display by the carrier

and wherein the second account identifier is physically altered at the time the presentation instrument is removed from the carrier and by the act of removing so that it cannot be read by a point of sale device and cannot be used to conduct transactions against the account.

***Allowable Subject Matter***

Claims 1,2, 4, 5, 9-15, 17 and 22-36 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest an arrangement wherein a data card having a machine readable identifier is attached to a card carrier also having a machine readable identifier, the machine readable identifier of the card carrier being used to active an account corresponding to the card and wherein the card carrier is constructed so that the identifier on the card carrier is physically altered upon removal of the card and by the act of removing such that the identifier on the card carrier is rendered unreadable by a point of sale device.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

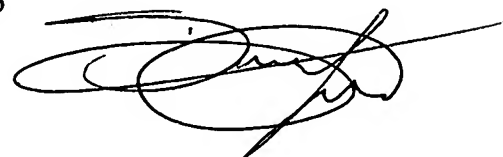
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel A Hess  
Examiner  
Art Unit 2876

**DANIEL STCYR  
PRIMARY EXAMINER**



2/10/2006